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Nancy A. Matthews

Northeastern Illinois University

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“Learning the Truth and Stating the Facts”: US State Department Claims-Making and the Construction of “Human Rights”

Nancy A. Matthews
Northeastern Illinois University

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Abstract.

Official US discourse claims US leadership and benevolence in promoting human rights worldwide. But US action on human rights is more complicated and paradoxical. My aim is to problematize “human rights” in particular discursive contexts in order to discover what is encompassed by this set of concepts and how the discourse about human rights exposes the relations of ruling (Smith 1990). I examine the discourse of the powerful, i.e., the US State Department in its Annual Country Reports on Human Rights. The repetition of facts, assertions, and ideas by a hegemonic institution constructs a reality that is difficult to counter. Several overarching themes run through State Department discourse that reflect core national ideologies of the United States: 1) American values as universal values; 2) the United States as a benevolent member of the human rights community; and 3) the United States as a world leader in human rights. The US stance on human rights is frequently a servant to its own security and strategic interests, including the neoliberal global project.

Keywords

Human rights, political discourse, hegemony, US foreign policy

Several developments in the past two decades have changed the landscape for human rights. First, the fall of the Soviet Union freed debates from being pigeonholed into the Cold War US-USSR dichotomy, breaking down the civil and political rights versus economic, social and cultural rights divide. Second, the anti-apartheid struggle, new constitution, and truth and reconciliation process in South Africa opened a new model for implementing human rights, both by making economic, social and cultural rights as adjudicable as civil and political rights, and by adding the new jurisprudence standard of human dignity as the grounding principle for setting standards and settling conflicts between rights. Third, the emergence of a global

women's rights movement that explicitly adopted a human rights paradigm provided new energy and discourse about human rights by successfully getting human rights organizations, governments and the UN to focus attention on violence against women, girls' education, and economic issues seen through the prism of women caring for their families as human rights questions. Fourth, globalization, especially global communications technology, has facilitated the invention and exchange of ideas about human rights, and the mobilization of political pressure to promote the integration of human rights principles into law and policy.

According to official US discourse, the US has been at the forefront of promoting human rights worldwide for decades; indeed the web page for the State Department's Bureau of Democracy, Human Rights and Labor in recent years explicitly connected the UN Universal Declaration of Human Rights with the values upon which the US was founded (<http://www.state.gov/j/drl/hr/>). Official discourse about human rights celebrates the leadership that the United States government has taken in promoting human rights, but ignores the ways that the US has exempted itself from most of the particular human rights treaties and from scrutiny for human rights abuses. US political leaders like to celebrate the American commitment to justice, democracy and human rights, and trumpet our special responsibility to promote these values worldwide. However, human rights have not had a prominent place in US political culture.

Occasionally human rights move to the foreground of American awareness for a while, as happened when US-committed torture in Iraq and Guantanamo Bay and the practice of "extraordinary rendition" were exposed in 2004 (Greenberg and Dratel 2005), but social and economic issues such as poverty or health care have rarely been framed as human rights questions. This article aims to contribute to our understanding of human rights in American politics and culture by examining the discourse of the powerful, specifically government actors in the US State Department, over a period of time. As George Lakoff (2006) has shown with the language of freedom and liberty, the same terms can have vastly different meanings in different contexts. Why is this important? On the one hand, the discourse of human rights has gained enormous traction in the past two decades as the framework for talking about improving

the lives of people, their material survival and human dignity (Moncado and Blau 2009, Hafner-Burton and Ron 2009, Mertus 2009). Activists in many parts of the world are using the language of human rights to promote their causes. But, as Moncado and Blau (2009) point out, the US has remained “aloof” and has been sidelined in the human rights revolution going on in many other countries. Despite some recent expansion of human rights discourse in the US by activists and NGOs, the ideas and assumptions about human rights are marginal in our political culture.

How the US constructs “human rights” matters because of the unique status of the US nation-state. As the lone super-power worldwide (for the time being), how the US treats human rights affects the chances of people in other countries for also achieving human rights, especially when the US backs up its policies with trade benefits, economic sanctions, and invasions. When the US sees itself as an exception to the rules (Ignatieff 2005) and acts unilaterally in the world (Moravcsik 2001), the strength of the global human rights movement is harmed. And it also affects the implementation of human rights ideals in the US, particularly in the area of economic rights and the criminal justice system. This has led to my interest in the career of human rights in US official discourse.

METHODOLOGY

Discourse analysis has many variants. My approach stems from the strand of discourse analysis that integrates Foucault’s (1972) concerns about power with the materialist feminist scholars Dorothy Smith (1990), Caroline Ramazanoglu (1993) and Nancy Naples (2003), as well as critical development scholars Arturo Escobar (1994) and Chandra Mohanty (2003), who share a focus on discourses as “historically variable ways of specifying knowledge and truth -- what is possible to speak of at a given moment” (Ramazanoglu 1993:19, quoted in Naples 2003:28). As development scholar Arturo Escobar puts it: “Discourse is not the expression of thought; it is a practice, with conditions, rules, and historical transformations” (1995:216).

My aim is to problematize “human rights” in certain discursive contexts in order to discover what is encompassed by this set of concepts and how the discourse about human rights exposes the relations of ruling (Smith 1990). As Naples points out, discursive

frames “limit what can be discussed or heard in a political context” (2003:9). Thus I am examining discourse as a practice that shapes what is possible to discuss, and the relations of power that appear in these texts. *In this case, I am examining the discourse of the powerful, i.e., US State Department.*

The repetition of facts, assertions, and ideas by a hegemonic institution constructs a reality that is difficult to counter. Following Foucault and Dorothy Smith, I am interested in the materiality of texts, in the sense that texts are “organizing instruments” for relations of power. The relevant texts in this case include official treaties, reports to Congress, presidential speeches and communications between governments. The discourses in these texts are “the more or less formal sets of inter-linked concepts ... that organise, order and constrain our thought” (Woodiwiss 2005:27). The texts I explore are used to announce policy concerns; taken over time, they come to constitute a public reality through self-reflexive referencing. Smith elaborates the concept of “facticity,” indicating that textual reality is produced by particular social organizations; the set of “facts” assembled and reported constitutes a virtual reality of “what is” (1990:70, 78). In short: “Objectified knowledge stands as a product of an institutional order mediated by texts; what it knows can be known in no other way... . The knowing of participants is captured in the objectified knowledge mediating ruling” (Smith 1990:80).

The texts I examine here are the US State Department’s Annual Country Reports on Human Rights, texts that pertain to the relations of ruling between the US State Department and, formally, the US Congress, but more expansively between the US government and the rest of the world. Since the early 1960s the US State Department has compiled an annual report to Congress on human rights practices in other countries, a practice that was expanded in 1974. For the past 35 years, the Bureau of Democracy, Human Rights and Labor (BDHL) has produced these annually for over 190 countries. I focus here on the introductory essays in these reports for the years from 1993 through 2009. These years reflect reports written under the Clinton, G.W. Bush, and Obama administrations. I explore both continuities and variations in the discursive moves across these different administrations and the historical contexts in which the reports were produced.

Why examine the US State Department's Annual Country Reports (ACR)? These texts, while representing a bureaucratic obligation determined by legislation, are regularly produced documents that represent the US State Department's public face. Technically, they are reports from the executive branch to the US Congress, but they function in a broader way. They are official statements of concern, critique, admonishment and warning directed at members of the international community. Mention in the ACR can constitute a scolding from the US, and frequently prompts indignant reactions from the nations that are criticized in them. Thus the ACR represent one form of the textual materiality of relations between branches of the US government, between the US and other states, and between the US and its public. As the 1995 report puts it: "The reports in this volume will be used as a resource for shaping policy, conducting diplomacy, and making assistance, training, and other resource allocations. They will also serve as a basis for the U.S. Government's cooperation with private groups to promote the observance of internationally recognized human rights" (ACR 1995).¹ Indeed the BDHL website frames America's commitment to human rights as central to its foreign policy.

The protection of fundamental human rights was a foundation stone in the establishment of the United States over 200 years ago. Since then, a central goal of U.S. foreign policy has been the promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights. The United States understands that the existence of human rights helps secure the peace, deter aggression, promote the rule of law, combat crime and corruption, strengthen democracies, and prevent humanitarian crises. (<http://www.state.gov/g/drl/hr/>)

Furthermore, the reports claim to be a factual accounting, in which "each country report speaks for itself" (ACR 2005). The writers² claim that "These country reports offer a factual basis by which to assess the progress made on human rights and the challenges that

remain” (ACR 2005). But, by not taking these claims of fact-stating at face value, the reports offer a way to examine the notions of human rights produced by US elites. We can use their own words to reveal their way of organizing the world. Examining these in relation to events outside the reports exposes the contradictions in the US position in relation to human rights.

HISTORY

Human rights are a product of historical struggles that most scholars agree extend back at least to the Enlightenment. From a sociological perspective, today’s human rights documents are concrete evidence of these struggles (Sjoberg, Gill, and Williams 2001; Moncado and Blau 2009). The United States participated prominently in the construction of the touchstone human rights document of the 20th century, the Universal Declaration of Human Rights, passed by the United Nations in 1948. In the historical moment just after the Holocaust and at the beginning of the Cold War, Eleanor Roosevelt led the American delegation to the Commission on Human Rights that drafted the Universal Declaration (UDHR), and she had extensive influence over its construction (Donnelly 2003; Forsythe 1983; Pollis and Schwab 1979). From 1948 to 1989, debates about human rights occurred through the filter of the Cold War. It took nearly twenty years of negotiation (until 1966) to draft two major human rights treaties, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, which added specifics and also had standing as international law (Forsythe 1983; Donnelly 2003). The US quickly ratified the agreement on civil and political rights, but not the one on economic, social and cultural rights. This selective support for different parts of the human rights agenda has continued and underlies the framing of human rights discourse today (Mertus 2008). Furthermore, human rights are discussed exclusively in the context of foreign policy, not domestic questions.

Debates about the Universal Declaration continued after these treaties were passed, with the socialist and anti-colonial world emphasizing the importance of economic and social rights, while the US and its allies emphasized political and civil rights (Pollis and Schwab 1979; Donnelly 2003). Some activists and scholars (e.g., Pollis

and Schwab 1979) during the Cold War defended the curtailment of civil and political rights (such as freedom of speech and association) as legitimate while Third World societies worked on economic issues. But today Third World human rights activists decry such policies; they not only invoke the political and civil rights included in the Universal Declaration, they go beyond those to demand implementation of the social and economic rights that were also enshrined there.

Debate continues about the universality of notions of human rights and the extent to which the powerful of the world are committed to them. The Taliban in Afghanistan are a case in point. As Madhavi Sunder (2005) argues, "religious sovereignty" and its "attendant category—culture" (2005:266) remain incontestable areas in human rights law. In other words, if a practice is deemed "cultural" or "religious," then applying a human rights critique is off-limits. But Sunder describes some of the instances of resistance from within societies where these claims are made. For example, the transnational network Women Living Under Muslim Laws, founded in Algeria in 1984 when Islamic law began to threaten women's autonomy, "exemplifies an operational human rights strategy that provides women the option of articulating and demanding freedom and equality within the context of a normative (i.e., religious and/or cultural) community" (2005:271). They seek to "facilitate women's human rights as articulated in international instruments" (2005:272). Significantly, the Taliban took power in 1996 and imposed incredible restrictions on women's rights. There was an outcry from feminists internationally that was building during the late 1990s. In fact, the Taliban's treatment of women and girls is mentioned in the State Department Annual Country Reports in the mid 1990s. But it was only after September 11, 2001 that the US led an international intervention against the Taliban, not for their human rights violations against women, but for harboring "terrorists." The invasion was opposed by RAWA, a major Afghani women's organization, but the US nevertheless claimed freeing women and girls from Taliban oppression as part of its "mission accomplished" in Afghanistan.

What happened to the struggle for human rights in the US since the watershed moment of passing the Universal Declaration of Human Rights? From the perspective of US politics, the UDHR sounds quite radical and contemporary almost 60 years later, especially

in these times of retrenchment on social rights and increased state power (for example, welfare reform in the 1990s, and post 9/11 PATRIOT ACT laws in the 2000s). While the UDHR includes items that are commonly and traditionally associated with “human rights” in the United States (e.g., liberty, equal protection of the law, protection against arbitrary arrest, detention, exile), it also contains items that many Americans find surprising, such as the right to marry and found a family, equal rights of men and women within marriage, the right to rest and leisure, and the right to health. Franklin D. Roosevelt’s 1941 speech about the “four freedoms,” which laid out the basics of a broad human rights paradigm and the justifications for the US entering WWII, is rarely taught in American history or social studies courses. Although the New Deal is taught, few Americans are familiar with the “economic bill of rights” articulated in FDR’s 1944 State of the Union speech, and which are the philosophical basis of the New Deal. Julie Mertus (2009) argues that the early civil rights movement was actively scared off from promoting and using a human rights framework in the 1950s and 1960s. “Civil rights” became the familiar term in US political discourse, and human rights became something that we worried about for people in other countries. In recent years under President George W. Bush, even the term “rights” was eschewed in favor of talk of “human dignity” (Mertus 2008).

The changing terrain for human rights discourse, as noted at the beginning of this article, has begun to have an effect on social justice movement organizations in the United States as well. In the 1990s human rights activism gained traction, in part facilitated by global communication through the internet; activists also used major international gatherings like the UN Women’s conference in Beijing in 1995 as a forum for reframing women’s issues as human rights. This revived the broader agenda that was present in the 1948 Declaration, and effectively expanded the human rights agenda of both the international human rights movement, and the United Nations system and its regional counterparts. The UDHR contains extensive social, economic and cultural rights in addition to the political and civil rights that most Americans are familiar with. In recent years, domestic grassroots groups in the United States have begun to use this discourse to frame their work. The LGBT rights group Human Rights Campaign was an early adopter of that label for its work (1980). The

Heartland Alliance in Chicago, a broad social justice advocacy organization, now frames its mission explicitly as promoting human rights (www.heartlandalliance.org). Another example is the Opportunity Agenda, a non-profit organization whose mission is to promote a human rights framework for addressing traditional progressive issues, ranging from healthcare to immigration to juvenile justice. (<http://opportunityagenda.org/aboutus>). Opportunity Agenda has conducted research (surveys and focus groups) on Americans' attitudes toward human rights, cited by World Public Opinion in its summaries of poll data on HR. A further recent example is the former National Labor Committee, whose work had increasingly shifted from US-based labor issues, to the extreme exploitation in the global production process; in 2011 this organization changed its name to the Institute for Global Labour and Human Rights (<http://www.globallabourrights.org/>). Many additional examples are included in Soohoo, Albisa and Davis (2007). These non-governmental organizations and grassroots groups adopting a human rights framing of their work provides a counterpoint to the foreign policy framing of human rights by US elites that I explore here.

THE US HUMAN RIGHTS PARADOX IN THE ANNUAL COUNTRY REPORTS

As Sarat and Kearns have pointed out, "Today the *language* of human rights, if not human rights themselves, is nearly universal" (2002:2). Julie Mertus (2008) skillfully argues that US involvement in human rights is paradoxical. The most obvious paradox is that the US was so involved in creating the foundation of HR conceptions, but has not ratified and has actively opposed several of the major treaties (Table 1). An example is the Convention on the Rights of the Child—only two countries have not ratified it: the US and Somalia, a "failed state." The Convention on the Elimination of Discrimination Against Women (CEDAW) has also not been ratified by the US, along with a handful of other authoritarian countries.

More than 60 years after the passage of the UDHR, the United States still has a mixed record in terms of ratifying major human rights treaties. Table 1 summarizes the status of the US in relation to the major UN sponsored human rights treaties.³ There are seven of these in all, expansions on the Universal Declaration. Of

these seven, the US has ratified only three, those pertaining to racial discrimination, civil and political rights, and torture.

Table 1. Status of the United States' Commitment to Seven Major UN Human Rights Treaties

TREATY	ADOPTED BY UN	SIGNED BY US	RATIFIED BY US
International Convention on the Elimination of Racial Discrimination	1965	1966	1994 ¹
International Covenant on Civil and Political Rights	1966	1977	1992 ²
Convention on Economic, Social and Cultural Rights	1966	1977	NO
Convention on the Elimination of Discrimination against Women	1979	1980	NO
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1984	1988	1994 ³
Convention on the Rights of the Child	1989	1995	NO
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1990	NO	NO
US Reservations to ratified treaties: 1. Reservations include giving priority to freedom of speech under the US Constitution. 2. Reservations include retaining capital punishment (except in the case of a pregnant woman), and the right to treat juveniles as adults. 3. Reservations address definitions of "cruel, inhuman or degrading treatment" and complex definitions of when and what constitutes "torture."			

The executive branch of the US government negotiates and signs treaties, but to be ratified and therefore have the force of law, they have to be approved by the US Senate. Reservations are statements that signing countries make regarding parts of the treaties with which they disagree and reserve the right not to comply. Understanding the US position on the international stage in regard to human rights treaties helps to put US claims about human rights leadership in perspective.

The US State Department's Annual Country Reports on Human Rights shed light on the ways in which US concerns about human rights are framed and how the US might behave toward those whose actions are praised or condemned. Unlike the major treaties of the UN, the State Department's Annual Country Reports offer a regular pronouncement about the US government's views about human rights worldwide (except at home). As texts, the reports constitute "objectified knowledge" produced by a series of interactions, but the textual form is separated from the processes by which it is compiled. The institutional order, that is, the actual relationships, actions, conflicts, disagreements, and decisions that lead to *this* set of facts is obscured. Merry (2011) argues that the very production of human rights indicators by human rights workers and governments entails practices of monitoring and surveillance that "follow imperial paths." Sarfaty (2009) found that in struggles over applying human rights frameworks to World Bank programs, the economists' world-view rules. To the extent that human rights can be pragmatically measured through indicators that affect economic relations, they must be taken into account (2009:16). For example, issues like democracy, rule of law, or corruption can be considered (and indicators developed) if they can be demonstrated to impinge on economic factors affecting development and poverty reduction. But intrinsic human rights are a "taboo" area in World Bank planning and policy (Sarfaty 2009). Given the US's hegemonic role at the World Bank, it is ironic that factors related to economic and social rights are less taboo at the World Bank, because they are more likely to relate to the institution's mission of poverty reduction, while political and civil rights are viewed as too "political." Whereas in the US State Department's human rights assessments, civil and political rights take precedence strongly over economic and social rights. These

contrasting stories behind the texts suggest that the State Department's reports reveal as much about how the US positions itself as a world power as they do about the actual facts regarding human rights abuses.

Running through the State Department discourse we find several overarching themes that reflect core national ideologies of the United States. Three interlocking ideas that appear repeatedly are: 1) American values as universal values; 2) the United States as a benevolent member of the human rights community; and 3) the United States as a world leader in human rights. These core ideological ideas can be found most prominently in the introductory paragraphs to the reports, which have a sermon-like tone, and sometimes are embedded in discussions of specific rights. They vary in how stridently they are expressed across different administrations. As we will see below, the Bush administration's State Department is the most explicit and aggressive in framing these assertions as reality.

Let us turn now to examining the texts more closely to see how facticity is produced through these pronouncements and evaluate the "facts" that government officials cite to produce the boundaries of what "human rights" are and to produce an image of US commitment to human rights.

AMERICAN VALUES AS UNIVERSAL VALUES

How does the US State Department frame the purpose of the Annual Country Reports? A quote from a typical introduction presents the project as part of the United States' responsibility to the rest of the world:

"The responsibility of the United States to speak out on behalf of international human rights standards was formalized in the early 1970's. In 1976 Congress enacted legislation creating a Coordinator of Human Rights in the U.S. Department of State...." (ACR 1997)

These documents routinely invoke the Universal Declaration of Human Rights, aligning the values and history of the United States with this iconic statement of universal values. Below are examples

from different administrations (Clinton, G.W. Bush and Obama) about the purpose of the reports, in which we can see this pattern.

“The Country Reports on Human Rights Practices cover internationally recognized individual, civil, political, and worker rights, as set forth in the *Universal Declaration of Human Rights*. These rights include freedom from torture or other cruel, inhuman, or degrading treatment or punishment; from prolonged detention without charges; from disappearance due to abduction or clandestine detention; and from other flagrant violations of the right to life, liberty, and the security of the person.” (ACR 1996 – Clinton years, emphasis added)

The statement above was used in the reports for several years, suggesting it was seen as an iconic statement – a formula worth repeating. In light of US behavior during the past decade, including torture of detainees in Iraq, sending prisoners to clandestine prisons through “extraordinary rendition,” and killing targeted people through drone attacks, this recitation of rights rings false.

The comparable statement from a typical Bush-era report puts the US role more explicitly front and center:

The Country Reports on Human Rights Practices reflect *America’s diligence in the struggle to expand freedom abroad*. Together with past reports, and reports to come, this compendium is a snapshot of the global state of human rights that depicts work in progress and points the way to future tasks. It is a statement of our fundamental belief that human rights are universal; they are indigenous to every corner of the world, in every culture and in every religious tradition. ...

The Country Reports on Human Rights Practices call attention to patterns and instances of violations of basic human rights as recognized in

such fundamental documents as the *Universal Declaration of Human Rights*, adopted by the United Nations in 1948. They serve as the starting point – not the end – of U.S. policy to advance human rights around the world. (2002 ACR – Bush years, emphasis added)

In the Bush statement, the specific rights listed in the Clinton-era statement --individual, civil, political, and worker rights-- are not recited in the introductory paragraphs (although some of them are addressed in later sections of the report). Instead the language is about their universality -- every corner, every culture, every religion-- framed by “America’s diligence.” In addition to invoking the Universal Declaration, the introductions routinely remind the reader that they are factual. In the quote above, the reports are a “snapshot,” suggesting capturing a record. In other reports, the claim of facticity is more explicit:

These country reports offer a *factual basis* by which to assess the progress made on human rights and the challenges that remain. (ACR 2005, emphasis added)

The comparable introductory statement in the 2009 report under the Obama administration displays a less strident tone about US primacy in human rights. Embedded in more verbiage, it follows a similar pattern of aligning the project with the Universal Declaration, and establishing facticity, by “telling the truth” and accountability, as this excerpt illustrates:

These country reports are written to provide an *accurate, factual record* of human rights conditions around the world, not to examine U.S. policy responses or options or to assess diplomatic alternatives. Yet in a broader sense these reports are a part of the Obama Administration’s overall approach to human rights and an essential component of that effort. As outlined above, the

administration's approach, as articulated by President Obama and Secretary Clinton, is guided by broad principles, the first of which is a commitment to universal human rights. In preparing this report, we have endeavored to hold all governments accountable to uphold universal human rights in the *Universal Declaration of Human Rights* and to their human rights treaty obligations. As Secretary Clinton stated in December, all governments, including our own, must "adhere to obligations under international law: among them not to torture, arbitrarily detain and persecute dissenters, or engage in political killings. Our government and the international community must consider the pretensions of those who deny or abdicate their responsibilities and hold violators to account." The first step in that process is to *tell the truth and to identify specific instances where such violations are occurring* and where governments are *failing to take responsibility* for holding violators accountable. (ACR 2009, emphasis added – Obama years).

As with the reports from the 1990s, the Obama-era State Department situates the US as part of an international community that is to be held accountable. The excerpt above says that "all governments, including our own" must adhere to the same standards. However, subsequent years of the Obama administration have not shown the US to be any more accountable than other US regimes, as demonstrated by its resistance to prosecuting officials for violating the Geneva Conventions, for extending the indefinite detention of prisoners, and engaging in extrajudicial killing of terrorism suspects, including US citizens abroad.⁴

In the quotes above, from three different administrations in different political contexts, we see increasing self-consciousness of the US's self-appointed role. In the 2002 quote from the Bush administration, we see the framing of a flag-waving, exceptional US role in human rights – "America's diligence in the struggle to expand

freedom abroad.” The 2009 Obama-era quote also explicitly notes the US, but in a defensive mode: the reports are *factual*, but articulated “not to examine U.S. policy responses or options or to assess diplomatic alternatives.” All of these are examples of discourse that frames the US as the “good guy” -- the champion of human rights -- on the international stage.

While it could be argued that naming the Universal Declaration in these introductions is simply boilerplate language, there is no reason that this international document has to be mentioned. Indeed in one of the later Obama-era documents (ACR 2009) the report rhetorically asks why the US produces these reports and not another entity such as the UN. The Annual Country Reports are legally an internal document of intra-governmental relations—a report from the executive branch to the legislative branch. The routine invocation of the UDHR is a way of framing the American project as aligned on the side of rights, while at the same time constituting the American construction of rights as universal. It is a piece of discursive work that engages in the power to define reality. As Woodiwiss (2005) points out, what the US sees as the significant and relevant parts of the Universal Declaration are the narrow portions that echo American concerns with civil and political rights, not the portions that focus on social and economic rights. By this generic and general invocation of the idea of American values and commitments as being identical with the Universal Declaration, this discourse keeps American conceptions of human rights quite narrowly constricted.

THE US AS A WORLD LEADER IN HUMAN RIGHTS

US leadership in the area of human rights is assumed in the discourse of these reports. One way its leadership is established discursively is by invoking Eleanor Roosevelt’s historic role in the human rights movement, in this case her speech marking the 10th anniversary of the document she helped create:

The year 1993 was a difficult one for human rights, a year in which setbacks outweighed advances in some parts of the world. ...The year saw the community of nations reaffirm its commitment to the protection and promotion of

human rights at the World Conference on Human Rights in Vienna on the 45th anniversary of the Universal Declaration of Human Rights. The force of this movement was captured by Eleanor Roosevelt in an address to the United Nations in 1958... (ER quote omitted) (ACR 1993)

The "difficult" year, 1993, is put into context by referencing a history, referring back to 1958, which was an anniversary for 1948, and calling on a recognized foremother of the human rights movement.

In other cases, the US leadership is established through explicit, contemporary statements, regarding a specific country's situation or in general, as the following examples illustrate:

In Haiti, President Aristide was peacefully returned to power through *U.S. leadership* and the international community's resolute stand against the violent usurpers who had deposed him and perpetrated massive human rights abuses on the people. (ACR 1994, emphasis added)

The *United States continues to be a leader* in the formation of new transnational human rights networks. (ACR 1999, emphasis added)

In a number of critical areas, the Department of State has appointed special representatives to *take the lead* on building and working with existing human rights and civil society networks. (ACR 1999, emphasis added)

The Country Reports on Human Rights Practices reflect *America's diligence in the struggle to expand freedom abroad*. (ACR 2002, emphasis added)

US BENEVOLENCE IN THE WORLD

In addition to framing American values as aligned with universal values and US leadership in human rights, another prominent theme in these documents is that the US makes benevolent contributions to the world as a leader in human rights. Historian David Mason points out that “a sense of American exceptionalism and the benevolence of American intentions and policies is virtually an article of faith among both political elites and ordinary citizens in the United States” (2009:109). In this section I explore the varied ways this belief is embedded in the discourse of the Annual Country Reports. We will see that the global political and economic context (partly of the US’s own making) as well as domestic politics affect how these messages are constituted.

In the period after the fall of the Soviet Union, the Clinton administration emphasized the potential for global cooperation. The Clinton-era State Department produced discourse that reflects what Mertus (2009) calls the “globalist” orientation of his administration. The selections below are statements that frame the relationship between the US and other countries of the world. During the mid to late 1990s, the report authors repeatedly pose the US as a *partner*.

“The 1993 Report describes a world far short of the vision *we and other countries* hold for it. Around the globe, people who by right are born free and with dignity too often suffer the cruelties of authorities who deprive them of their rights in order to perpetuate their own power.” (ACR 1993, emphasis added).

Countries working together in the United Nations, the Conference on Security and Cooperation in Europe (CSCE), the Organization of American States (OAS), and the Organization of African Unity (OAU) supported new democracies, mediated conflicts, and took steps *to hold each other accountable for human rights abuses*. Around the world, grassroots movements to promote human rights and democracy spread, as people claimed their

inalienable rights and demanded accountability from their governments." (ACR 1993, emphasis added).

The first section from the 1994 Report goes on for eight paragraphs without ever mentioning the special role of the US. Instead it refers to "a growing emphasis on multilateral action" and cites the UN Conference on Human Rights in 1993, and many governments working together:

"...[S]tates are engaging with each other in a growing range of challenges that transcend national borders -- trade, the environment, security, population, migration -- issues that are creating powerful forces of integration in some cases and increasing conflict in others." (ACR 1994)

The authors refer to "a new international strategic environment" in "this new multipolar world" as a result of the end of the Cold War.

"As a result, human rights promotion must synthesize familiar forms of pressure and advocacy with long-term structural reform and the support of grassroots movements for change." (ACR 1994)

For most of the 1990s, the framing of the US relationship to human rights was inclusive, not only in terms of collaborating with other states, but frequently citing grassroots movements as a source of human rights progress. The 1996 report also emphasizes the collective project of creating a "global structure of protection" of human rights:

This structure belongs to all of us, and it is being built for all of humanity. In building this structure the world is responding to the pain and need of men and women and children on all continents and to the historical conscience of mankind. (ACR 1996, emphasis added)

This text reflects the Clinton globalist perspective. US centrality is downplayed and US benevolence as a participant in a grand mission is heralded. This framing comes across most exuberantly in the 1999 ACR Introduction, which celebrates globalization and heralds the rise of transnational human rights networks:

“Today, all the talk is of globalization. But far too often, both its advocates and its critics have portrayed globalization as an exclusively economic and technological phenomenon. In fact, in the new millennium, there are at least three universal “languages:” money, the Internet, and democracy and human rights.

An overlooked “third globalization” -- the rise of transnational human rights networks of both public and private actors -- has helped develop what may over time become an international civil society capable of working with governments, international institutions, and multinational corporations to promote both democracy and the standards embodied in the Universal Declaration of Human Rights.” (ACR 1999)

How does this discourse relate to practices during this period? Julie Mertus documents the shift during the Clinton years from an early commitment to promoting human rights to a new policy of “democratic enlargement” (2009:41-43) starting in 1994. Indeed the State Department bureau’s name was changed from “Human Rights and Humanitarian Affairs” to “Bureau of Democracy, Human Rights, and Labor.” The 1996 ACR Introduction finesses this shift, calling the renaming a sign of “both a broader sweep and a more focused approach to the interlocking issues of human rights, worker rights, and democracy.” But the definition of “democracy enlargement” was shaped by another major commitment in US foreign policy, the development of global markets. So, while the discursive celebration of civil society and transnational human rights networks frames the United States as a progressive, beneficial member of a global community, when it came down to choices of promoting human

rights versus promoting global markets, the Clinton administration protected US economic interests. For example, Clinton pursued “engagement” with China, separating judgment of its human rights policies from attaining favorable trading status with the US. He also failed to pressure the international financial institutions (the World Bank and International Monetary Fund) to incorporate human rights standards into their lending policies (Mertus 2008:44). Thus, even during the celebratory, post-Soviet, pre-9/11 period, the framing of the US as a benevolent global partner in an exciting transnational movement for human rights contains the counterpoint of economic and strategic interests pulling decisions in other directions.

AMERICAN EXCEPTIONALISM / AMERICAN DEFENSIVENESS

The extent to which the reports exhibit defensiveness about the US’s own human rights record varies. Consider this excerpt from the Clinton years, which addresses US responsibility to fulfill human rights principles:

The President also took measures to ensure that the United States embraces at home what it advocates abroad. He signed an executive order that strengthens the U.S. Government’s ability to implement those human rights treaties that past Presidents have signed and the U.S. Senate has ratified - including the International Covenant on Civil and Political Rights, the Convention on Torture, and the Convention on the Elimination of All Forms of Racial Discrimination. He instructed the Department of Justice to develop new measures to address the problem of illegal aliens who suffer abuses at the hands of smugglers and sweatshop owners.⁵ (ACR 1998 Clinton)

This statement is not defensive; it matter-of-factly lays claim to actions taken, constructing the US as a responsible actor. Contrast it with the defensive tone of the 2007 Introduction, below. This is written in the years after exposure of US practices of torture,

extraordinary rendition, and ongoing detention of so-called “enemy combatants.” Note that the text never admits to violating human rights standards, only admitting that *all* governments of the people are “flawed” and that the US is “mindful” of “criticisms” of its own human rights record.

Increasingly, democracy is seen as the form of government capable of securing those rights and fundamental freedoms. No form of government is without flaws. Democracy is a system of government of, by, and for the people, based on the principle that human beings have the inherent right to shape their own future, but that they are flawed creatures and that therefore there must be built-in correctives. Our citizens claim a proud history of striving in every generation since our nation’s founding to bring our democratic practices closer to our cherished principles, even as we are seeking to confront the injustices and challenges of each new age.

As we publish these reports, the Department of State remains mindful of both international and domestic criticism of the United States’ human rights record. The U.S. government will continue to hear and reply forthrightly to concerns about our own practices, including the actions we have taken to defend our nation from the global threat of terrorism. (ACR 2007)

The defensive tone ends with the implicit justification that if the US did anything worth criticizing, it was only to defend against global terrorism.

I think Mason (2009) is correct that US benevolence and exceptionalism -- the idea that the United States is a special case and a beacon for the world -- is an “article of faith” in American ideology, so where does this defensiveness come from? On the occasions when the reports adopt a footing of defensiveness, it represents a crack in the façade of US exceptionalism and imperviousness to critique. It

suggests that even the hegemonic US is vulnerable to international criticism.

THE EFFECTS OF 9/11 ON US HUMAN RIGHTS DISCOURSE

Two years after the giddy celebration of transnational human rights networks in the 1999 ACR, the tone of the introduction changes dramatically. In 2001, not only is the sense of crisis paramount, but the US and its concerns take center stage, as compared to the more global and transnational, even celebratory tone of the 1999 report. The Annual Country Reports from the 1990s repeatedly frame the US as part of a team of human rights promoters around the world. The year 2001 begins a new era, both post 9/11 and reflecting the Bush administration, in which the theme of US exceptionalism becomes much more prominent. In a twist on the theme of US values equaling universal values, this report communicates that “we are the world” – whatever happens to us is a problem for the entire world.

For the United States, indeed for the whole world, 2001 was a year in which the importance of universal human rights was brought sharply into focus by global terrorism. On September 11, 2001, the world changed. As President Bush declared in his State of the Union Address, "In a single instant, we realized that this will be a decisive decade in the history of liberty, that we've been called to a unique role in human events. Rarely has the world faced a choice more clear or consequential. ...We choose freedom and the dignity of every life." This choice reflects both U.S. values and the universality of human rights that steadily have gained international acceptance over the past 50 years. (ACR 2001)

This opening poses the US as the central figure in a drama, and then frames the US as standing for the rest of the world. It also establishes a pattern of quoting President Bush in the reports.

The discourse deploys a religious, evangelical tone – “we’ve

been called to a unique role in human events” – presenting the US at a crossroads, having been called (by whom?), having been chosen (we are unique), and making a choice. As in evangelical discourse, this is a calling we have to answer. A choice is posed, and “we choose dignity and liberty of every life” – so we are making the choice for everyone. When the US realizes something, then it becomes real – everyone else has to come along.

The 2001 introduction continues:

As the United States and our international partners commit resources to the fight against terrorism, *we do so for all* those who respect and yearn for human rights and democracy. Our fight against terrorism is part of a larger fight for democracy. In the words of President Bush, “America will lead by defending liberty and justice because they are right and true and unchanging for all people everywhere. No nation owns these aspirations, and no nation is exempt from them. We have no intention of imposing our culture. But America will always stand firm for the non-negotiable demands of human dignity: The rule of law, limits on the power of the state, respect for women, private property, free speech, equal justice and religious tolerance.” This world of democracy, opportunity, and stability is a world in which terrorism cannot thrive. (ACR 2001, emphasis added)

In these excerpts the image of the US as uniquely positioned to lead is reinforced. In contrast to the inclusiveness of the 1993 opening, “We and other countries...” the language here poses that “We do so for all.”

The discourse found in the post-9/11 years reflects most eloquently Mason’s point about US benevolence and exceptionalism as an “article of faith” among leaders. Images of battle and rescuing others run prominently through these reports, constructing the notion that the US defends human rights for the world, and implying through

the militaristic language how it does so:

While the battle only has begun, we already have achieved significant objectives. Afghan citizens have been released from the brutal and oppressive rule of the Taliban. Afghan women, who suffered violence and repression, are now beginning to resume their roles in society. Indeed Afghanistan is a triumph for human rights in 2001. (ACR 2001)

Regarding a statement like this one, it is worth recalling that the 2001 report was published in early 2002, a mere five months after the 9/11 attacks and only four months after the launch of Operation Enduring Freedom against Afghanistan in October 2001. From the vantage point of a decade later, the claims of “triumph” for human rights in Afghanistan seem not only premature, but also full of hubris and self-congratulation. But the discourse is effective in framing the official US vision of itself, a contrast between what the US offers: human dignity, freedom and justice; and what the US is “releasing” people from: brutality, oppression and violence.

In this 2001 report, a note of defensiveness enters that reflects long debates on human rights and their claimed universality in relation to culture. Following passage of the Universal Declaration of Human Rights in 1948, a decades-long Cold War struggle occurred over defining conventions to operationalize its principles. A big issue was the role of culture, sometimes framed as the conflict between the universal rights of individuals versus the rights of groups (ethnic, national, religious). Were these supposed “universal” rights really just Western and capitalist notions that they were trying to impose on the rest of the world? US insistence on property rights as fundamental and refusal to embrace other social and economic rights such as adequate food and education lent heat to this debate. Returning to a portion of the excerpt quoted above, we see the Bush State Department in dialogue with this long debate as well as with contemporary critiques of its intervention in Afghanistan:

We have no intention of imposing our culture. But America will always stand firm for the non-negotiable demands of human dignity: The rule of law, limits on the power of the state, respect for women, private property, free speech, equal justice and religious tolerance." This world of democracy, opportunity, and stability is a world in which terrorism cannot thrive. (ACR 2001)

This statement contains a neat exposure of the US's hegemonic stance. "We" will not impose our culture, but on the other hand, America will "stand firm" (impose through military intervention?) behind "non-negotiable demands" that it alone defines.

The repeated invocation of women's oppression under the Taliban as part of the justification for the invasion of Afghanistan is notable. In the culture debate, questions of women's rights have been a lightning rod. So it is notable that "respect for women" (not rights in this case) is included here. Although the Taliban's treatment of women had been mentioned in the Annual Country Reports prior to 9/11, the issue had never risen to a high level of concern, nor been treated as a very central human rights issue. For it to be mentioned here is a discursive move to co-opt critics from the left, including feminists, with "respect for women" ironically listed next to "private property" among the "non-negotiable demands." The purported respect for women during this period did not extend to giving women autonomy with respect to contraception, as the G.W. Bush administration held birth control funding through US foreign aid hostage to a very restrictive, conservative agenda.

HUMAN RIGHTS AND STRATEGIC INTERESTS

In reaction to 9/11, "national security" takes a much more prominent place in the discourse on human rights. During the Bush administration, human rights are explicitly framed as coterminous with US national security – what is good for US security must be therefore good for human rights. However, framing the relationship between US strategic and economic interests and its human rights agenda as naturally aligned is not new, as this example from 1996 illustrates:

It is precisely because the United States has an interest in economic development, political stability, and conflict resolution around the world that it promotes human rights and accountable government. (ACR 1996)

This turns the issue of human rights on its head. It's human rights in the service of neoliberalism. We support human rights because individual rights dovetail with economic development based on property rights.

As is typical of US official discourse, US national security is wrapped in the mantle of promoting democracy. In the example below, US strategic interests appear in the benefits listed from democratic government, particularly open markets, a key element of the neoliberal agenda promoted by US-led international financial institutions.

Promoting democratic governance is and will remain the best way to ensure protection of human rights. The United States recognizes that a world composed of democracies will better *protect our long-term national security* than a world of authoritarian or chaotic regimes. A democratic form of government fosters the rule of law, *open markets, more prosperous economies* and better-educated citizens and ultimately a more humane, peaceful and predictable world. (ACR 2002, emphasis added)

No acknowledgement is made of the tension between these economic interests and the project of promoting human rights for all.

In the examples below from years spanning both Bush and Obama administrations, human rights values and strategic interests are framed as linked:

Promoting respect for universal human rights is a central dimension of U.S. foreign policy. It is a commitment inspired by our country's founding

values and *our enduring strategic interests*. (ACR 2003, italics added)

On September 17, 2002, President Bush presented a new *National Security Strategy for the United States* based on the principle that promoting political and economic freedom and respect for human dignity will build a safer and better world. (ACR 2004, emphasis added)

The United States' efforts to promote human rights and democratic freedoms around the world reflect the *core values* of the American people. They also advance our *core interests*. (ACR 2007, emphasis added)

United States foreign policy revolves not only around effective defense, but also robust diplomacy and vigorous support for political and economic development. A vigorous human rights policy *reaffirms American values and advances our national interests*. (ACR 2008, Obama, emphasis added)

Even if human rights advocates believe that these ideas really are true – that the best way to achieve safety is by respecting the human rights of others -- I want to direct our focus on these statements as *claims* made in order to project an image to the world rather than actual statements of policy. The repeated violations of human rights principles and refusal to live up to treaties the US has signed (such as the Convention on Torture) and refusal to sign others (such as the Convention on Eliminating all forms of Discrimination Against Women -- CEDAW -- and the Convention on the Rights of the Child) demonstrate the limits of US championing of human rights. As a discursive move, however, the repetition of these claims, couched in the familiar, patriotic language of American values and exceptionalism and importance, becomes the framework through

which many Americans think about our country and the world.

The Obama State Department represents some self-reflexive consideration of this tension, as suggested in this excerpt from 2009:

Today, all governments grapple with the difficult questions of what are appropriate policies and practices in response to *legitimate national security concerns* and how to strike the *balance between respecting human rights* and fundamental freedoms and *ensuring the safety of their citizens*. That said, during the past year, many governments applied overly broad interpretations of terrorism and emergency powers as a basis for limiting the rights of detainees and curtailing other basic human rights and humanitarian law protections. (ACR 2009, emphasis added)

One is left wondering, however, which governments are being referred to that “applied overly broad interpretations of terrorism” leading to the violations mentioned.

CONCLUSION

US political leaders celebrate the American commitment to justice, democracy and human rights, and trumpet our special responsibility to promote these values worldwide, but these discourses constitute self-congratulatory exercises in justification for American foreign policy. The Annual Country Reports are one institutional ritual in which these discourses are produced and disseminated to the rest of the US government and to the world.

The State Department Annual Country Reports exemplify the limited discourse of human rights from the US government. Promoting the idea that the US is already the epitome of a society committed to human rights, and then framing those as a delimited set of principles focused mainly on civil, political and property rights, the official discourse of human rights portrays human rights as an accomplishment—something the nation does not need to address and struggle over. By framing human rights as part of the American tradition, the US state paradoxically discursively shuts down ongoing discussion and debate about the human rights that have not been

achieved in the US.

The US is currently the world's only "hyper-power" and acts unilaterally. With so much power, the US has great potential to influence the practice of human rights globally. However if the discourses of human rights by the US only frame them in terms of US superiority, exceptionalism, and benevolence, that stance does not engender a spirit of cooperative relations with other countries. Indeed it may exacerbate the resentment and distrust of people in other countries who are legitimately skeptical about the international intentions of the US (Sardar and Davies 2002, Johnson 2004, Mason 2009).

In the face of the official discourse celebrating the US's human rights commitments, NGOs and grassroots groups both domestically and globally offer opposing discourses of human rights. There are hopeful developments in the US, as grassroots and community-based groups have begun to use human rights discourse to frame their work. As mentioned above, there are numerous and increasing examples of grassroots organizations and NGOs framing their work in terms of human rights. Soohoo, Albisa and Davis(2009) tell numerous stories about these efforts, many of which expand the frame of what fits into the human rights framework far beyond the narrow list that official US discourse acknowledges. These efforts begin the process of bringing the US into the global consensus, or even conversation, about human rights.

Additionally, even the State Department's Annual Country Reports, despite their limitations, provide a discursive opportunity for human rights activists to comment, push back, and play with the power relations around defining human rights. These highly political documents have a reflexive dimension that human rights groups use creatively. For example, Amnesty International responds publicly to the US Annual Country Reports each year, calling attention to flaws, omissions or misrepresentations in the reports. Thus these Annual Reports are useful to human rights advocates, but must be regarded as discursive political enactments, not simply statements of fact and truth, as claimed by their producers.

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Endnotes

1. All of the Annual Country Reports quoted here were retrieved from the website of the US State Department (state.gov) over a variety of dates. The reports are linked files that are not paginated, therefore page numbers are not included in the citations. During the course of my research, the State Department has repeatedly redesigned its website, but the links to the ACRs can be found in the Human Rights area.
2. The writers of the reports were usually named during the Clinton administration years, but starting a couple of years into the G.W. Bush administration, they became anonymous, at least in their public form.
3. These seven treaties are widely accepted as “major” but of course, new treaties are adopted regularly, and the process of defining a treaty’s importance is a social and political one. For example, some would include the 2006 Convention on Rights of Persons with Disabilities, which President Obama signed in 2009, on this list. I include the more limited list merely to illustrate the pattern the US has established over several decades. For a complete list of human rights treaties, see <http://treaties.un.org/Home.aspx>.
4. In September 2011 two American citizens, Anwar al-Awlaki (alleged to be a leader of al Qaeda, and Samir Khan, were killed in a targeted drone attack by the US, leading to legal and moral controversy (<http://www.nytimes.com/2011/10/01/world/american>

-strike-on-american-target-revives-contentious-constitutional-issue.html retrieved 3/6/12).

5. The discourse about undocumented immigrants is considerably more friendly than the dominant discourse today.

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Nancy A. Matthews teaches at Northeastern Illinois University in Justice Studies, Women's and Gender Studies, and the Global Studies Program, focusing on globalization, human rights, violence, and community-based learning. Her other recent research includes documenting faculty and student resistance to militarization of our diverse, urban university, and exploring the effects of interpersonal violence on students' ability to continue their education. In the Chicago community, she is involved in bilingual adult education as a volunteer teacher for the Dorothy Stang Alternative Adult High School and serves a local reproductive justice organization.